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UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 JASON EDWARD THOMAS CARDIFF,

23 Defendant.
24

No. 23-CR-00021-JGB

OPPOSITION TO EX PARTE APPLICATION
TO TRAVEL TO KANSAS CITY

25 Plaintiff United States of America, by and through undersigned
26 counsel, opposes the request to modify bond his bond and travel to
27 Kansas City made by defendant, Jason Edward Thomas Cardiff.
28

Dated: December 21, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

/s/

VALERIE MAKAREWICZ
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

1 **I. INTRODUCTION**

2 After being arrested at LAX upon his return to the United States
3 from Ireland, defendant secured bond, under several conditions,
4 including using the goodwill of his personal attorney's girlfriend,
5 and a friend.

6 Now, defendant want permission to travel to a different
7 jurisdiction,¹ without his custodian and removing the monitoring
8 conditions that he remain with his custodian at his place of
9 residence with a curfew.

10 The government opposes defendant's request for bond modification
11 to travel.

12 **II. FACTS**

13 On January 31, 2023, a federal grand jury returned an Indictment
14 against the defendant, charging him with access device fraud in
15 violation of 18 U.S.C. §§ 1029(a)(5) and 2; aggravated identity theft
16 in violation of 18 U.S.C. §§ 1028A(a)(1) and 2; and two counts of
17 witness tampering in violation of 18 U.S.C. § 1512(b)(2)(B).
18 Indictment. Based on the charges in the Indictment, on January 31,
19 2023, the United States District Court for the Central District of
20 California issued an arrest warrant for the defendant.

21 On November 26, 2023, the defendant was arrested by Customs and
22 Bored Patrol at the LAX Airport in Los Angeles, California after
23 returning to the United States. He made his initial appearance in the
24 Central District of California on November 27, 2023. [Dkt. #7]. On
25 November 30, 2023, the Court held a contested detention hearing,
26

27 ¹ In his application, defendant fails to indicate which Kansas
28 City he wants to travel too—Kansas City, Kansas, or Kansas City,
Missouri, both of which are separate states and district court
jurisdictions.

1 wherein defendant presented an unusual package to secure his over
2 half-million dollar bond -- by the main residence of his personal
3 attorney's girlfriend, who he had never met, and a smaller unsecured
4 portion by his friend, Brian Kennedy. [Dkt. #14].

5 The Court placed further restrictions on defendant, including
6 location monitoring, a curfew that restricted him to his approved
7 residence in Texas, travel restrictions, and a custodian, Mr.
8 Cochell. Furthermore, the Court allowed only 48 hours for defendant
9 after his release to visit his father in the hospital before going to
10 Texas. Id.

11 Exactly two weeks after being released upon his posting bond on
12 December 6, 2023, defendant now wants permission to travel to another
13 district for unspecified business meeting with shareholders for three
14 days over New Years holkday.

15 **III. Argument**

16 As the Court is aware, the release of defendant on bond was
17 quite contested by the government. The Court was clear in its ruling
18 that the bond package presented by defendant varied significantly
19 from ones that the Court routinely approves.

20 Now, defendant wants permission to travel without his custodian,
21 from the two districts wherein he is allowed to travel, with no
22 curfew. While defendant's Pretrial Services Officer and sureties of
23 defendant's bond may have agreed to this travel, the government does
24 not.

25 Defendant's travel plans without his custodian, Mr. Cochell, is
26 in violation of Mr. Cochell's third-party custodian duties, which
27 requires him to supervise the defendant. [Dkt. #15]. The first
28 order the Court has imposed upon Mr. Cochell is that he "supervise

1 the defendant/material witness..." Id. Mr. Cochell cannot follow the
2 Court's order with defendant's proposed travel plan.

3 Defendant's travel, as presented, is unnecessary - no reason has
4 been given as to why the meeting(s) are necessary to defendant's
5 employment as CEO of his company. No schedule or itinerary has been
6 provided to show the Court what business defendant will be
7 accomplishing on his travel and why three days of travel is
8 necessary. Only Mr. Kennedy has been identified as a person
9 attending the meeting(s) with defendant. The government is unaware
10 of any office or factory of defendant's company that is in Kansas
11 City, Kansas or Missouri. Given the timing of the travel request, to
12 the government, it appears defendant wishes to celebrate the new year
13 holiday away from his custodian, approved travel districts, and his
14 Court ordered obligations.

15 In order for him to travel, the Pretrial Services Officer has
16 requested that his curfew be lifted, as according to him, it is
17 nearly impossible to monitor when defendant is in a hotel. Officer
18 Sherrod informed the government that he has only been able to
19 accomplish a location visit with defendant and has not been able to
20 meet further with him.

21 **IV. CONCLUSION**

22 Defendant's proposed trip will require the Court to trust that
23 location monitoring will be enough to watch over defendant, and
24 defendant will return to Texas when he says he will, a trust which
25 the government does not believe has been established by defendant in
26 the few days since he was able to post bond. The Court placed these
27 conditions upon defendant for a particular reason - to ensure that
28 defendant complies with all appearance for court proceedings and

1 ensure he does not flee the country. Defendant's proposed travel,
2 along with the lifting of the custodian supervision and curfew,
3 defeats the Court's intensions when it set defendant's bond.

4 For the foregoing reasons, the United States respectfully
5 requests that the Court deny defendant's request to travel.

6 Dated: December 21, 2023

Respectfully submitted,

7
8 E. MARTIN ESTRADA
United States Attorney

9 /s/
10 VALERIE L. MAKAREWICZ
Assistant United States Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA
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